



LODI CITY COUNCIL

Carnegie Forum

305 West Pine Street, Lodi

AGENDA - SPECIAL MEETING

Date: April 20, 2004

Time: 7:00 a.m.

For information regarding this agenda please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

NOTE: All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.

A. Roll call

B. Regular Calendar

B-1 Discussion and appropriate action regarding governance of San Joaquin Council of Governments (CM / PW)

C. Adjournment

Pursuant to Section 54956.2(a) of the Government Code of the State of California, this agenda was posted at a place freely accessible to the public 24 hours in advance of the scheduled meeting.

Susan J. Blackston
City Clerk

****NOTICE:** Pursuant to Government Code §54954.3(a), public comments may be directed to the legislative body concerning any item contained on the agenda for this meeting before (in the case of a Closed Session item) or during consideration of the item.**



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Discussion and Appropriate Action Regarding Governance of the San Joaquin Council of Government and Related Issues

MEETING DATE: April 20, 2004

PREPARED BY: Deputy City Manager

RECOMMENDED ACTION: That the Council discuss and take appropriate action regarding governance of the San Joaquin Council of Government and related issues

BACKGROUND INFORMATION: The San Joaquin County Council of Government (COG) Board of Directors will discuss the make-up of their Board membership during the Thursday April 22, 2004 Board meeting. The topic stems from the City of Stockton's desire to increase their voting power on the Board.

The COG's Board agenda (Exhibit A) and the related staff report (Exhibit B) are attached for Council information and review. Council Member Emily Howard, Lodi's representative on the COG Board, will be expected to cast a vote in support or in opposition should this matter be acted upon by the COG Board on April 22nd. It is appropriate for the City Council to provide Council Member Howard with direction as the change in voting power could significantly impact the cities in the County.

Additionally, staff will update Council regarding COG's plans to place the Measure K Renewal on the November 2, 2004 ballot, the proposed Measure K project category distribution table (Exhibit C), and other related matters.

FUNDING: Not Applicable

Janet S. Keeter
Deputy City Manager

JK/sl

Attachments

APPROVED: _____
H. Dixon Flynn, City Manager



SAN JOAQUIN COUNCIL OF GOVERNMENTS
BOARD OF DIRECTORS
555 East Weber Avenue, Stockton
SJCOG Conference Room

Thursday, April 22, 2004

EXHIBIT A

REGULAR BOARD MEETING AT 5:00 P.M.

The San Joaquin Council of Governments is in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. # 12132) and the Ralph Brown Act (California Government Code # 54954.2) and will make all reasonable accommodations for the disabled to participate in employment, programs and facilities. Persons requiring assistance or auxiliary aid in order to participate, or persons wishing to store their bicycle safely during the meeting should contact Rebecca Montes at 468-3913 at least 24 hours prior to the meeting.

Highlighted Items in yellow are scheduled for discussion by the full board.

AGENDA

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL
2. RECOGNITIONS – No Items
3. PRESENTATIONS No Items
4. PUBLIC COMMENTS

At this time, the public is invited to address the Board on any non-agendized item that is within the subject matter of this agency. If a member of the public wishes to speak on an agendized item, he or she is invited to address the Board at the time the item is up for consideration. In accordance with the Council of Government's policy, any item not on the agenda brought up by the public at a meeting, shall be automatically referred to staff. This item will be listed following the minutes approval and will be limited to a five minute maximum. The item will be listed again during the end of the agenda, and will not have a maximum time limit. The five-minute maximum time limit for a speaker will apply to all "items from the audience". The determination of whether an item is within the subject matter, jurisdiction of the Council is a discretionary decision to be made by the chair of the Council. When citizens address the policy body, they are generally asked to address a specific topic. If several speakers are commenting on the same issue, they should try to avoid repetition of views already expressed.

5. Minutes of April 1, 2004; Measure K Renewal Workshop & April 8, 2004 City/County Association Meeting

Additional Material:
Recommended Action:

Minutes of April 1, 2004, Minutes of April 8, 2004
Motion to Approve Minutes

PARKING:

For your convenience, parking is available at the COG Regional Center off of Channel Street (through Lot B) marked "Visitor" on the East Side of the Parking Lot. There is additional parking available at Public Parking Lot K, located on American Street, just south of Weber Avenue. Parking lot B is Permit Parking only. Additional meter parking on Weber Avenue.

6. CONSENT CALENDAR:

All numbered consent calendar items listed will be acted upon under one roll call vote unless specifically removed from the consent calendar by a member of the Board, a member of staff, or a member of the public. These are items:

- A. Council of Governments Monthly Financial Report & Transportation Authority Monthly Investment Report
 - Additional Material: Staff Report and Material
 - Recommended Action: Motion to Receive and File the Reports
- B. Updating of Council Policy for Investing of San Joaquin Transportation Authority monies in the State of California Local Agency Investment Fund (LAIF)
 - Additional Material: Staff Report & Resolution
 - Recommended Action: Motion to Approve the Resolution #R-04-31
Authorizing Investment of San Joaquin Transportation Authority monies in the State of California Local Agency Investment Fund (LAIF)
- C. Measure K Right-of-Way Cooperative Agreement for Lower Sacramento Road Improvements (Segment 2D\Harney Curve)
 - Additional Material: Staff Report & Material
 - Recommended Action: Motion to Authorize the Execution of the Agreement by the SJCOG Board Chair and Executive Director
- D. Amendment #3 to the Measure K Cooperative Agreement with the City of Stockton for Construction of the March Lane Underpass and Extension Projects
 - Additional Material: Staff Report & Material
 - Recommended Action: Motion to Authorize Execution of the Amendment by the SJCOG Board Chair and Executive Director
- E. 2005 – 2030 Population and Employment Projections
 - Additional Material: Staff Report
 - Recommended Action: Motion to adopt the new 2005 – 2030 population and employment projections
- F. Measure K Right-Of-Way Cooperative Agreement for the Route 99/120 Yosemite Avenue Interchange and Route 120 (Yosemite Ave.) Widening Project
 - Additional Material: Staff Report
 - Recommended Action: Motion to Authorize the Execution of the Measure K Cooperative Agreement Between the City of Manteca and the San Joaquin Council of Governments by the SJCOG Board Chair and Executive Director

G. Memorandum of Understanding with Stanislaus Council of Governments Regarding Planning Process Associated with the Modesto Urbanized Area

Additional Material:

Staff Report

Recommended Action:

1) Motion to Approve Memorandum of Understanding

2) Motion to Authorize Executive Director to Sign Memorandum of Understanding

7. ITEMS REMOVED FROM CONSENT CALENDAR AGENDA

Additional Material:

None

Recommended Action:

Dependent upon Discussion

8. SAN JOAQUIN COUNCIL OF GOVERNMENTS FINANCES AND ADMINISTRATION

A. 2004-2005 Overall Work Program and Annual Financial Plan

Additional Material:

Staff Report

Recommended Action:

Motion to Adopt 2004/2005 OWP and Annual Financial Plan by Resolution #R-04-32 And Forward AFP to Member Agencies for Ratification

9. AIRPORT LAND USE COMMISSION: No items

10. SPECIAL PRESENTATION: No Items

11. LOCAL TRANSPORTATION AUTHORITY:

* A. Measure K Renewal Expenditure Plan -- Program Category Funding Percentages

Additional Material:

Staff Report

Recommended Action:

Motion to Approve Renewal Program Funding Percentages

B. State Transportation Improvement Program: Update on AB 3090 Efforts

Additional Material:

Staff Report

Recommended Action:

Information

* C. Governance of San Joaquin Council of Governments

Additional Material:

Staff Report & Material

Recommended Action:

Dependent Upon Discussion

12. MEASURE K RENEWAL: No Items

13. REGIONAL PLANNING: No Items

14. SAN JOAQUIN REGIONAL LEGISLATIVE ISSUES: No Items

***ADJOURN SAN JOAQUIN COUNCIL OF GOVERNMENTS UNTIL THE CONCLUSION
OF THE SJCOG, INC. MEETING***

15. SJCOG, INC.

1. Open Meeting of SJCOG, Inc.

2. Roll Call

3. CONSENT CALENDAR:

All numbered consent calendar items listed will be acted upon under one roll call vote unless specifically removed from the consent calendar by a member of the Board, a member of staff, or a member of the public. These are items:

A. Habitat Plan Update

Additional Material:

Staff Report

Recommended Action:

Information Only

B. Consultant Contract Extension for Habitat Plan Biological Services

Additional Material:

Staff Report

Recommended Action:

Motion to Authorize the President to Negotiate and Extend the Contracts for Three (3) Years with the Existing Biological Firms to Provide Biological Services for the Habitat Plan

C. Cordes Ranch Project

Additional Material:

Staff Report

Recommended Action:

Motion to Approve a Minor Amendment to the SJMSCP to Allow SJMSCP Coverage for the Cordes Ranch Project

D. I-5 Eight Mile Rd. Off-Ramp and Detention Basin Project

Additional Material:

Staff Report

Recommended Action:

Motion to Approve Habitat Technical Advisory Committee's Recommendation to SJCOG, Inc. to allow the I-5/Eight Mile Rd. Off-Ramp and Detention Basin Project to Participate in the SJMSCP

E. Schimmel Residence Project

Additional Material:
Recommended Action:

Staff Report
Motion to Approve the Habitat Technical
Advisory Committee's Recommendation to
Allow the Schimmel Residence Project to
Participate in the SJMSCP.

4. ~~ITEMS REMOVED FROM CONSENT CALENDAR AGENDA~~

Additional Material:
Recommended Action:

None
Dependent Upon Discussion

~~***RECONVENE TO THE COG BOARD MEETING***~~

16. RESEARCH AND FORECASTING CENTER: No Items
17. TRANSPORTATION DEMAND MANAGEMENT - No Items
18. METROPOLITAN PLANNING ORGANIZATION/REGIONAL TRANSPORTATION
PLANNING AGENCY: No Items
19. OTHER:
- A. Minutes of Previous COG Committee Meetings - Information Only
1. Draft Technical Advisory Committee Minutes of April 8, 2004
 2. Draft Social Services Transportation Advisory Committee Minutes of April 7, 2004
20. ~~CHAIRMAN'S REPORT~~ Chair Gloryanna Rhodes
- A. ~~San Joaquin One Voice~~
- Additional Material: Staff Report
Recommended Action: Information Only
21. ~~COUNCIL MEMBERS REPORT~~
22. ~~EX OFFICIO COUNCIL MEMBERS' REPORT~~
- A. ~~San Joaquin Regional Transit District~~
 - B. ~~Caltrans District 10~~
 - C. ~~Port of Stockton~~
23. ~~EXECUTIVE DIRECTOR'S REPORT~~ Julia E. Greene

24. ADJOURNMENT

Chair Gloryanna Rhodes

Meeting adjourned to May 27, 2004 at 5:00 p.m., COG Conference Room

EXHIBIT B**STAFF REPORT****SUBJECT:** Governance of San Joaquin Council of Governments**RECOMMENDED ACTION:** Dependent Upon Discussion**DISCUSSION:**

The City of Stockton has requested the SJCOG consider a change in the method of voting by the Board. Attached is the report and recommendation by the City.

The SJCOG Board of Directors currently has a weighted vote structure. The County has two seats and the City of Stockton has two seats. The remaining Cities have one seat each. In addition, the Joint Powers Authority requires a weighted vote for any change in the agreement. The majority of the members representing a majority of the population must vote in favor before any change can occur. Stockton recommends a change to a population-based weighted vote.

Staff has reviewed several COGs throughout the country including major metropolitan and medium metropolitan areas. The summary report is attached. There are some similar to SJCOG in that they give additional seats to jurisdictions. There are others who weight the vote by the population of the jurisdiction.

An example of a weighted voting structure based on population of jurisdictions is as follows:

Tampa Bay Regional Planning Council

- Member makes a motion calling for the weighted vote
- Two members from separate jurisdictions make the seconds
- Vote is then automatically switched to a weighted vote (no vote on the motion is necessary)
- There are 1,000 votes
- One-third (333) votes go to the gubernatorial appointees
- Gubernatorial votes are equally divided among the appointees (currently 12)
- Two-thirds are divided by percentage of the population of the jurisdiction

In reviewing the cross section of the sample it appears that the most common weighted vote is by appointing additional seats. The charts will indicate the varied and complicated systems some COGs use. For example, South East Michigan Council of Governments (Detroit) elects its members by block in the jurisdiction. Minneapolis-St. Paul Executive Director is appointed by the Governor. Portland Executive Director and all Board members are directly elected to serve. One of the largest COGs in the country, Delaware Valley Regional Planning Council has only eighteen members and includes the State Department of Transportation as a member and has no weighted vote. Green River Area Development District in Kentucky includes representatives from several agencies and groups and requires 51% of its members be elected officials. Middle Rio Grande in Albuquerque, NM members are appointed by the governor and are based on the population of the jurisdictions, 50,000 + has two seats, up to 250,000+ have four seats.

In California all COGs have weighted voting. The majority of COGs (16) have weighted voting by representation. Three COGs have weighted voting by population. Sacramento COG has both representation and population as factors. Fresno COG has a requirement for a motion to pass the votes must represent 40% of the population. San Diego Association of Governments has one representative and requires approval of members representing a majority of the population.

One thought for your consideration is that in all cases of weighted voting, this process is seldom used. In discussion with all who were interviewed it was consistently reported that the weighted vote was a rare occasion. An example of one response was, "once maybe every five years."

RECOMMENDED ACTION:

Staff recommends the Board assign the Executive Committee to evaluate the issue and make a recommendation to the full Board for consideration.

Staff Report Prepared by Julia Greene

MEMORANDUM

October 30, 2003

TO: Mark Lewis, City Manager

FROM: Mark Parrott, Program Manager III

TRANSPORTATION AUTHORITY BOARD VOTING APPROACHES

I was given the assignment to compare the manner in which the San Joaquin Council of Governments (COG) structures the voting of its Board of Directors to similar boards around the state. I confined my research to the 16 counties who have a voter-approved sales tax measure dedicated to transportation including highways.¹ Included as Attachment "A" is a four page listing describing the results of the research. Presented below is a summary of what was learned and a description of how these findings could relate to the San Joaquin County COG.

Voting Policies and Board Seats

Each of the counties with a transportation sales tax has a policy making board made up of representatives from its cities and board of supervisors.

- Thirteen counties have votes weighted by population in some manner.
- One county gives each entity one seat (vote), regardless of size.
- One county gives all five Board of Supervisors a vote and each of the cities one vote, regardless of the size of the city.

Some of the weighting factors are described below².

1. Most counties seated between two and five members of their Board of Supervisors on their Transportation Authority.
2. Many counties assigned seat(s) to their largest city.
3. Some counties assigned a number of seats for representation of many smaller cities and have a process for choosing among the smaller cities to fill the seats.

¹ Counties have organized the administration of their transportation sales tax revenues in different ways. Ten counties use a Transportation Authority specified by the sales tax measure. Five counties including San Joaquin County use a Council of Governments for administration of the sales tax proceeds. One county (Madera) uses COG staff to perform duties for its Transportation Authority.

² San Francisco is both a City and a County. They use their entire Board of Supervisors as the Transportation Authority.

TRANSPORTATION AUTHORITY BOARD VOTING APPROACHES

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4. San Diego County has one representative per city and one representative for the county. The votes cast by the representatives are weighted when cast based on the relative population of the entity.
5. Sacramento County reassigns its transportation authority's seats when a city reaches 50,000 in population or when a larger city's population expands by an increment of 100,000.

The different board structures provide some cities with transportation authority representation which mirrors the population of the cities, while the structure used by other counties provides representation that is quite different than the population. Population vs. representation was analyzed for the largest city in each of fourteen counties.³ The tax measure board structures in several counties, including San Joaquin County, does not provide the largest city in the county with representation that approximates population of the city compared to the county as a whole. See Attachment "B" for details of this portion of the research.

Population vs. Representation for Largest City in County with Transportation Sales Tax Measure	
City receives less representation than its population	City receives nearly the same representation as its population
Oakland (Alameda County)	Concord (Contra Costa County)
Fresno (Fresno County)	Madera (Madera County)
Los Angeles (Los Angeles County)	Sacramento (Sacramento County)
Hollister (San Benito County)	San Diego (San Diego County)
San Bernardino (San Bernardino Co.)	Daly City (San Mateo County)
Santa Barbara (Santa Barbara County)	San Jose (Santa Clara County)
Stockton (San Joaquin)	Santa Ana (Orange County)

Riverside County uses a voting procedure that has the effect of weighing the votes cast. The procedure is implemented only when requested by any member of their Transportation Commission. The procedure requires that a matter voted upon by the Transportation Commission:

1. Receive an affirmative vote by a majority of the Board of Supervisors acting as Commissioners; and
2. Receive an affirmative vote from a majority of the twenty-four commissioners; and
3. Receive an affirmative vote from a majority of the population represented by the agencies.

³ San Francisco and Riverside Counties were not included in the analysis. San Francisco is one city and therefore receives 100% of the Transportation Authority's representation. Riverside's rules provide for a voting procedure that allows for population to be considered without assigning seats based on population. Riverside's approach is discussed elsewhere in this report.

TRANSPORTATION AUTHORITY BOARD VOTING APPROACHES

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This method of voting is only rarely used but provides something like a veto power for the county's most populated entities. Since there is no one city with half of county's population, three or more of the largest entities have to vote as a block for a vote approved by the majority of the smaller cities to be defeated.

Applicability of Alternatives to San Joaquin County

The process currently used by San Joaquin County does not provide representation that correlates to the population of the larger and smaller cities within in the County. After examining the methods used by counties where there is a better correlation between the population of the largest city and the representation afforded that city, it became apparent that three counties have processes that might work well here. The method used by San Diego is based strictly on population and would bring the closest correlation between voting and population. The method used by Sacramento County would need to be modified to be a good fit for San Joaquin County because the number and sizes of cities within Sacramento. Adapting the Sacramento model to increment representation for every 50,000 persons in population would permit a close correlation to population. These alternatives are depicted in Attachment "C". Finally, employing a process such as is used by Riverside County would also allow population to be taken into consideration on Important policy votes.

If you have questions on the research or would like further analysis, please call me.



Mark Parrott
Program Manager III

cc. Roger Storey, Deputy City Manager
James Glottonini, Public Works Director

Agencies Responsible for Administration of Transportation Sales Tax Measure Monies (Survey taken October 2003)

County	Agency Name	Makeup of Board	Relationship to COG	Notes
Alameda	Alameda County Transportation Improvement Authority	5 - Board of Supervisors 5 - Appointed by Mayors' Conference 1 - Appointed by Oakland Mayor 11 = Total	Works with Alameda County Congestion management Agency on multifunded projects and on planning.	Original measure was mostly for capital highway projects while the new measure puts a higher percentage of tax money into mass transit and a lower percentage into highways.
Contra Costa	Contra Costa Transportation Authority	2 - Board of Supervisors 8 - Two each from four regions each with a number of cities. 1 - Appointed by Mayor's Conference 11 = Total	Work with a Metro Transportation Commission on regional plans. The Bay Area COG (ABAG) has smaller role in transportation matters.	No single city has a population which is dominant.
Fresno	Fresno County Transportation Authority	2 - Board of Supervisors 1 - Fresno Mayor 1 - City of Fresno 1 - City of Clovis 1 - Small Cities representative (chosen by separate group with 15 cities) 1 - Public member chosen by the other members 7 = Total	The Transportation Authority always adopts COG's expenditure Plan. COG Board has 1 member from each city and 1 from the county.	25% of sales tax monies allocated to cities & county for transportation improvements using a population + miles of road formula. Of project monies 70% goes to urban projects, 30% to rural projects.
Los Angeles	Los Angeles County Metropolitan Transportation Authority	5 - Board of Supervisors 1 - Mayor of LA 2 - Public members of LA (appointed by LA Mayor) 1 - LA City Council member (appointed by LA Mayor) 1 - North County/San Fernando Valley member 1 - SW Corridor member 1 - San Gabriel Valley member 1 - SE/Long Beach member (area members elected by League of Cal Cities-LA Division with each city having selection votes based on population) 1 - Non-voting appointee of governor 14 = Total		

Madera	Madera Transportation Authority	3 - Board of Supervisors 2 - City of Madera 1 - Chowchilla 3 - Citizen Members (Valley, East, Urban) 9 = Total	MTA function performed by 2 of COG staff	Mostly financial mgmt services. 100% of program monies are allocated to local jurisdictions based on population. (60% County; 20% Madera, 10% Chowchilla) Measure sunsets in 2008 and no one is leading effort for renewal.
Orange	Orange County Transportation Authority	Existing Structure 4 - Board of Supervisors 6 - City representatives selected by Orange County League Committee 1 - Public member selected by 10 city/county members 1 - Non-voting appointee of governor 12 = Total	Separate organizations. TA approves monies, administers projects. COG performs long range planning work for county.	Proposed new structure for 2004 from AB 710 5 - Board of Supervisors 5 - largest cities in each sup. District 5 - selected by Orange County League Committee 1/sup. District 2 - public members 1 - Non-voting appointee of governor 18 = Total
Riverside	Riverside County Transportation Commission	5 - Board of Supervisors 24 - Cities 1 - Ex-Officio member appointed by governor 30 = Total (See note about weighted voting)	The Transportation Commission has little required interaction with the COG. COG administers a new developer fee that was approved in the most recent measure. The fee is devoted to regional arterial improvements.	When a commissioner requests a vote is considered in a three tier manner: 1. Does the matter have yes votes from a majority of Board of Supervisors members? If so, 2. Does the matter have yes votes from a majority of the 24 city members? If so, 3. does the matter have a yes vote from a majority of the population represented by the agencies? This voting approach is rarely used but provides a means for population to be considered in decisions. A spreadsheet is used to calculate whether a vote under these conditions is passed.
Sacramento	Sacramento Transportation Authority	5 - Board of Supervisors 4 - City of Sacramento 1 - Citrus Heights 1 - Elk Grove 1 - Folsom 1 - Rancho Cordova 1 - Galt (.4 weighted vote) 1 - Isleton (.6 weighted vote) 15 = Total agencies (14 votes)	There is no formal relationship between the transportation authority and the COG but they cooperate in funding and in planning tasks.	The method for assigning Board seats has being recently updated. Board of director seats are given for each City over 50,000 in population. Each entity is given an additional representative (up to 5) with every 100,000 increment in population. Isleton and Galt are given one vote combined and choose between themselves who will represent the cities. Both cities existed before the Measure A and are keeping a vote even though their combined population is less than 50,000. Seats do not have to be held by elected officials but all seats are currently held by elected officials. Board of Supervisors has power to change voting rules.

San Bernardino	San Bernardino County Transit Authority	5 - Board of Supervisors 24 - Cities (all cities have one vote) 29 = Total	COG (SANBAG) and transportation authority are one combined organization. Board acts to direct both functions	Items considered by policy committees that are approved by Policy committee with no more than one dissenting vote can be put on Board's consent calendar. If an item is passed by committee but received more than one dissenting vote, the item must be placed on the Board's discussion calendar.
San Benito	Council of San Benito County Governments	2 - Board of Supervisors 2 - Hollister City Council member 1 - San Juan City Council member 5 = Total		The County's sales tax measure has already ended and has not been renewed.
San Diego	San Diego Assoc of Govts	19 agencies (1 County and 18 cities are assigned a weighted vote using a population formula. Roughly 100 votes result from the formula. The weighted votes formula is recomputed each July.		A computer is used during voting so as members vote, their weighted votes are calculated and presented instantaneously.
San Francisco	San Francisco County Transportation Authority	11 - Board of Supervisors (the entire Board sits as commissioners) 11 = Total		
San Joaquin	San Joaquin Council of Governments	2 - Board of Supervisors 2 - Stockton 1 - Lodi 1 - Manteca 1 - Lathrop 1 - Ripon 1 - Escalon 1 - Tracy 10 = Total		
San Mateo	San Mateo Transportation Authority	2 - Board of Supervisors 1 - North cities (Daily City) 1 - South cities (Redwood City) 1 - Central cities 1 - At large 1 - Transit District 7 = Total	Partners on projects and studies. COG focus is STIP monies.	20% of sales tax monies allocated to cities & county for transportation improvements using a population + miles of road formula. A Transit District exists separately which has its own 1/2 cent sales tax measure.

Santa Barbara	Santa Barbara County COG	5 - Board of Supervisors (whole Board) 8 - Cities (each city in county has one vote) 13 = Total		
Santa Clara	Santa Clara Valley Transportation Authority	2 - Board of Supervisors 5 - Group 1 City (San Jose) 3 - Group 2 Cities (Los Altos, Los Altos Hills, Mountain View, Palo Alto, Santa Clara, Sunnyvale) 1 - Group 3 Cities (Campbell, Cupertino, Los Altos, Monte Sereno, Saratoga) 1 - Group 4 Cities (Gilroy, Milpitas, Morgan Hill)- Palo Alto 12 = Total	No direct COG involvement, does work with a Metro Transportation Commission on a regional plan.	The governing Board performs planning and approves funding. County has to approve funding from Measure. In 2006 when the current sales tax measure lapses a new 1/2 cent measure will begin. The new measure is strictly for transit and will be fully administered by VTA with no County Board of Supervisors voting except for the 2 members on VTA board. The County also has a measure from 1976 for transit. A 1984 measure for highways has already lapsed. The cities within a group rotate representation.

Attachment "B"

Representation of the Largest City in the Counties Listed on the Transportation Authority Board

Only counties with a sales tax dedicated to transportation including highways are included

	County	County Population as of 1/2001	Largest City in the County	City Population as of 1/2001	City % of County Pop.	City Reps on Board	Total Reps on Board	City % of Board	Under/Over Represented	City Reps Needed on Board to represent population	City Reps to add
Receives less representation than population	Alameda	1,479,150	Oakland	409,300	28%	1	11	9%	-204%	3	2
	Fresno	823,920	Fresno	441,200	54%	2	7	29%	-87%	4	2
	Los Angeles	7,888,700	Los Angeles	3,802,700	48%	4	13	31%	-57%	6	2
	Riverside*	1,609,370	Riverside*	285,700	17%	1	24	4%	-295%	4	3
	San Benito	55,240	Hollister	35,650	65%	2	5	40%	-61%	3	1
	San Bernardino	1,764,385	San Bernardino	190,200	11%	1	29	3%	-213%	3	2
	Santa Barbara	408,910	Santa Barbara	94,200	23%	1	13	8%	-199%	3	2
	San Joaquin	583,675	Stockton	251,100	43%	2	10	20%	-115%	4	2
Receives about the same representation as population	Contra Costa	972,150	Concord	124,200	13%	1	11	9%	-41%	1	none
	Madera	129,350	Madera	45,850	35%	3	9	33%	-6%	3	none
	Orange ***	2,758,300	Santa Ana	348,100	13%	2	17	12%	-7%	2	0
	Sacramento	1,258,690	Sacramento	418,700	33%	4	14	29%	-16%	5	1
	San Diego**	2,883,610	San Diego**	1,250,700	43%						none
	San Mateo	720,220	Daly City	105,400	15%	1	7	14%	-2%	1	none
	Santa Clara	1,723,545	San Jose	918,800	53%	5	12	42%	-28%	6	1

* Riverside has a policy that allows votes to be considered based on a population weighting.

** San Diego weighs every board vote based on population.

*** The representation details for Orange County are currently being finalized. The City will most likely receive 2.

Attachment "C"

Transportation Authority Board (Voting) Compositions Used by Two Counties And How they Would Operate if Used by San Joaquin County

	Current COG Votes		Population Method-Used by San Diego (Pop. based on 1/1/01 data)		Votes based on Sacramento population model*		Votes based on modified Sacramento model**	
Stockton	2	20%	251,100	43%	2	29%	5	45%
Tracy	1	10%	61,200	10%	1	14%	1	9%
Lodi	1	10%	58,800	10%	1	14%	1	9%
Manteca	1	10%	51,900	9%	1	14%	1	9%
Lathrop	1	10%	10,900	2%	0.4	5%	0.4	4%
Ripon	1	10%	10,700	2%	0.4	5%	0.4	4%
Escalon	1	10%	6,175	1%	0.2	3%	0.2	2%
Unincorporated	2	20%	133,100	23%	1	14%	2	18%
Total	10	100%	583,675	100%	7	100%	11	100%

* Cities over 50,000 get at least one vote. Additional votes are given per 100,000.

** Cities over 50,000 get at least one vote. Additional votes are given at increments of 50,000. Cities under 50,000 get a proportionate vote.

*** Riverside has policy that allows any member to have a vote reviewed using three criteria which include population.

National Council of Governments Survey

Agency Name	Members	Policy Board Structure	Weighted	Representation	Percentage
Association of Central OK Governments, OK City, OK	33	200 votes for 33 representatives based on population	Yes	Yes	No
Alamo Area COG, San Antonio, TX	28	Represents 12 counties	Yes	Yes	No
Atlanta Regional Council, GA	39	15 members appointed from private sector	Yes	Yes	No
Central Midlands COG, Columbia SC	46	State DOT has vote	Yes	Yes	No
Delaware Valley Regional Planning Commission, PA	18	State DOT has vote	No	No	No
Des Moines MPO, IA	18	Weighted vote may be called for financial matters	Yes	Yes	No
Green River Development District, KY	34	Mandated to have 51 percent elected officials	Yes	Yes	No
Houston-Galveston COG, Huston, TX	35	School Districts have votes- over 132 jurisdictions	Yes	Yes	No
Metropolitan Council, Minn-St Paul, MN	17	All appointed by Governor	Yes	Yes	No
Metro, Portland OR	7	Directly elected to serve on Board	No	No	No
Middle Rio Grande COG, Alburquerque, NM	22	Representation based on indirect population formula	Yes	Yes	Yes
Northeast Ohio Areawide Coordinating Agency, Cleveland, OH	38	Transit and Sewer agencies have votes	Yes	No	Yes
North Central Texas COG - Dallas Fort Worth, TX	13	County judges have votes	No	No	No
Pikes Peak Area COG, CO	23	Transit District has a vote	Yes	Yes	No
Pima Association of Governments, Pima, AZ	9	State DOT has a vote	No	No	No
Pioneer Valley Planning Commission, MA	8	Head of State DOT has veto power	No	No	No
Puget Sound Regional Council, Seattle, WA	26	State DOT and Port have votes	Yes	Yes	No
Richmond Regional Planning District Commission, Richmond, VA	28	Technical staff have votes on board	Yes	Yes	No
South East Michigan COG, Detroit, MI	45	Extremely complex structure	No	No	No
Toledo Ohio Metro COG, OH	135	One Third appointed from private sector	No	No	No
Tampa Bay Regional Planning Council, FL	34	One third appointed by Governor	Yes	No	Yes

Representation:

Agencies weighted by representation have more representatives for jurisdictions with greater populations.

I.e. Jurisdiction with greater populations have more than one voting member. SJCOG is weighted by representation.

Percentage:

Agencies where the vote is directly weighted by population

I.e. 21% of the population has only one representative, but their vote is 21% of the total vote, regardless of the total number of voting members.

In some agencies a weighted vote must be called, or only applies to financial matters.

Not Weighted:

Each jurisdiction has one vote, regardless of population.

Association of Central OK Governments, Oklahoma City, OK

A total of 280 votes split among 33 representatives based on a population formula. Oklahoma city has two representatives that control 92 votes. The formula is adjusted annually based on new population estimates. A quorum requires 50 percent of the votes and 12 jurisdictions must be represented.

Alamo Area COG, San Antonio, TX

The vote is weighted by representation. Jurisdictions with larger populations have more representatives, but only one vote for each representative. Bear County and San Antonio each have three representative on 28 member board that includes 12 counties.

Atlanta Regional Council, Atlanta, GA

Fifteen members of the 39 member board are appointed. Larger jurisdictions have more than one representative.

Central Midlands COG, Columbia SC

Three appointed members. Weighted by representation. Jurisdictions with larger populations have more than one representative.

Delaware Valley Regional Planning Commission, PA

Not weighted. Each jurisdiction and an appointee from the state department of transportation each have one vote.

Des Moines MPO, Des Moines, IA

Weighted by representation. One vote for each jurisdiction regardless of size, but the number of representatives from jurisdictions with a larger population is determined by a population formula. Cities over 10,000 have two votes, with an additional representative for each additional 25,000 persons. A weighted vote must be called for, and only applies to financial matters.

Green River Development District, KY

This agency is mandated by state law to have a majority of local elected officials on the board. The vote is weighted by representation. Jurisdictions with larger populations have more representatives. The agency includes seven counties. Each has a minimum of three representatives, with more populated counties having more representatives.

Houston-Galveston COG, Houston, TX

A complex structure that includes representation for school boards. One hundred and thirty-two jurisdictions and are represented. Representation is weighted by population.

Puget Sound Regional Council, Seattle, WA

The vote is weighted by representation, with larger jurisdictions having more than one vote. This board also includes voting representatives from the state department of transportation, the state transportation commission, and the port authority.

Richmond Regional Planning District Commission, Richmond, VA

Each jurisdiction has a minimum of one representative. Larger jurisdictions have more than one representative. Non-elected technical staff from jurisdictions have votes on this board. The transit district, toll authority, and the state department of transportation also have a vote on this board.

South East Michigan COG, Detroit, MI

The most complex structure of any agency polled. This agency represents an area with a population of 4.8 million. The 45 Members of the general board are elected by block. The general board elects the Executive Board, which is the ultimate authority.

Toledo Ohio Metro COG, Toledo, OH

This board has a total of 135 members. Two thirds are elected officials, and one third are appointed. The full board meets twice each year. There are six caucuses that elect 35 trustees that meet quarterly. The trustees elect an executive committee.

Tampa Bay Regional Planning Council, Saint Petersburg, FL

Thirty four representatives. One third of the board is appointed by the governor. The other two thirds are from local jurisdictions. A weighted vote may be called, and is population based.

Agency Name	Members	Representation	Weighted	Representation	Population
Association of Bay Area Governments	38	Varies by county population of county	Yes	Yes	No
Association of Monterey Bay Area Governments	20	2 each county, and 1 each city	Yes	Yes	No
Butte County Association of Governments	10	5 county, 1 each city	Yes	Yes	No
Calaveras Council of Governments	7	2 county, 2 city, 3 public at large	Yes	Yes	No
Council of Fresno County Governments	16	1 each from county and cities	Yes	No	Yes*
Council of San Benito Governments	5	2 county, 2 Hollister, 1 San Juan	Yes	Yes	No
Humboldt County Association of Governments	8	1, county, 1 each city	No	No	No
Kern Council of Governments	13	2 county, 1 each city	Yes	Yes	No
Kings County Association of Governments	6	2 county, 1 each city	Yes	Yes	No
Mendocino Council of Governments	8	3 county, 1 each city, Caltrans	Yes	Yes	No
Merced County Association of Governments	11	5 county, 1 each city	Yes	Yes	No
Orange County Council of Governments	14	Not every jurisdiction has a vote	Yes	Yes	No
Sacramento Area Council of Governments	31	3 from county, 2 from City of Sacramento	Yes	Yes	Yes**
San Bernardino Association of Governments	29	5 county, 1 each city	Yes	Yes	No****
San Diego Association of Governments	19	1 county and each city	Yes	No	Yes***
San Joaquin Council of Governments	10	2 county, 2 Stockton, 1 each other city	Yes	Yes	No
San Luis Obispo Council of Governments	12	5 county, 1 each city	Yes	Yes	No
Santa Barbara County Association of Governments	13	5 county, 1 each city	Yes	Yes	No
Southern California Association of Governments	75	varies by county population	Yes	Yes	No
Stanislaus Association of Governments	16	5 county, 3 Modesto, 1 each other city	Yes	Yes	No
Tulare County Association of Governments	16	5 county, 1 each city, 3 at large	Yes	Yes	No
Western Riverside Council of Governments	18	4 county, 1 each city	Yes	Yes	No

Weighted by Representation:

An agency is considered to be weighted by representation if jurisdictions with larger populations have more than one representative.

***Council of Fresno County Governments:**

For a motion to pass, it must have a majority of votes representing at least 40% of the population

****Sacramento Area Council of Governments:**

Sacramento County has 3 representatives, the City of Sacramento has 2, all other members have 1 representative.

For a motion to pass, it must be approved by members representing a majority of the population, a majority of county board members, and a majority of city board members.

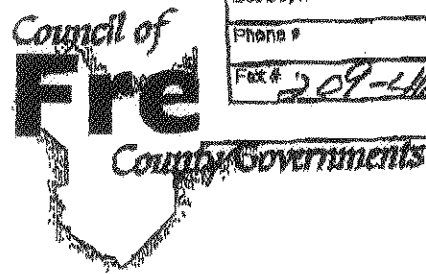
*****San Diego Association of Governments:**

Each jurisdiction has 1 representative, but for a motion to pass, it must be approved by members representing a majority of the population.

******San Bernardino Association of Governments:**

May call for a division of the house. For a motion to pass it requires a majority of county members, and a majority of city members.

Post-It® Fax Note		7671	Page 1
To	Kerran		
Co./Dept.	COG		
Phone #	233-4148		
Fax #	209-469-1084		



What is the Council of Fresno County Governments?

The Fresno COG is a voluntary association of local governments, one of 25 in California and 535 nationwide. In 1967 elected officials of Fresno County and its incorporated cities informally created the Council to provide "a cooperative body" for the discussion and resolution of issues which go beyond their individual boundaries. Subsequent federal and state laws encouraged such efforts, and it was formalized in 1969.

The major role is to foster intergovernmental communications and coordination, undertake comprehensive regional planning with an emphasis on transportation, provide for citizen involvement in the planning process and to provide technical services to its member governments.

In all these areas the Fresno COG serves as a consensus builder to develop an acceptable approach on how to handle problems which do not respect boundaries.

How is the Council funded?

Each year the Policy Board adopts an **Overall Work Program and Budget** which sets the work activities for the next fiscal year. The Fresno COG is partially supported by contributed dues from its 16 members. The major revenue source includes federal and state grants. The Agency has no taxing or legislative authority.

Who are the members, their representatives, and how do they vote?

Fresno COG is governed by a board who establishes policy and guides work activities. The members and their current representatives are shown below.

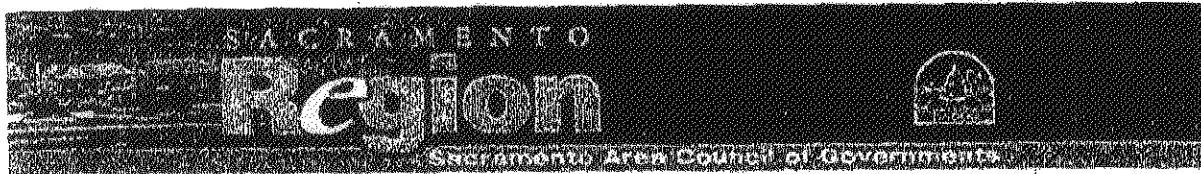
The Fresno COG has a 'double-weighted' voting system. Each member has a percentage vote based upon population. To approve any action the vote must pass two tests:

- 1) Agencies representing over 40% of the population must be in favor of an action, and
- 2) A majority of all the members must support the action; that is, nine of the sixteen members.

Council of Fresno County Governments Policy Board			
Chairman: Mayor Pro Tem Trinidad M. Rodriguez			
Vice-Chairman: Mayor Dennis Lujan			
Member	Representative	*Population	%
Clavis	Mayor Lynne Ashbeck	76,000	9.03
Coalinga	Mayor Ron Lander	16,400	1.95
Firebaugh	Mayor George Cortan, Jr.	6,175	0.73
Fowler	Mayor Jim Simonian	4,270	0.51
Fresno City	Mayor Alan Autry	448,500	53.30
Fresno County	Supervisor Susan Anderson	167,940	19.97
Huron	Mayor Javier Gonzalez	5,900	0.82
Kerran	Mayor Pro Tem Trinidad M. Rodriguez	10,000	1.19
Kingsburg	Mayor Leland Bergstrom	10,500	1.25
Mendota	Mayor Alfonso Sierras	8,175	0.97
Orange Cove	Mayor Victor Lopez	8,750	1.04
Parlier	Mayor Armando Lopez	12,150	1.44
Readley	Mayor Joseph Rhodes	21,350	2.54
San Joaquin	Mayor Arunpreet Dhallwal	3,450	0.41
Sanger	Mayor Sandra Neri	19,900	2.37
Selma	Mayor Dennis Lujan	20,900	2.48
Totals		841,400	100.00

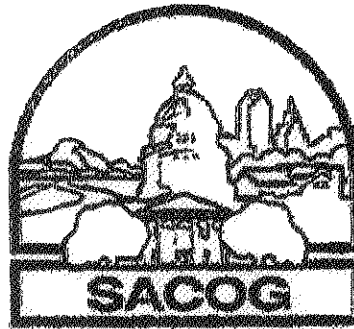
*Effective January 1, 2004

Sacramento Region - Board Restructure in the works



Board restructure in the works **SACOG Joint Powers Amendment** **goes to cities, counties for approval**

The Board of Directors in May approved sending an amendment to the SACOG Joint Powers Agreement (JPA) to member cities and counties for their approval. The amendment, if approved, would give all of SACOG's member cities and counties a Board seat.



Three-quarters of SACOG'S member city councils and three-quarters of the member county boards of supervisors are required to approve the revision to the Joint Powers Agreement. Approval would take the Board's membership from the current 19 to a total of 28, or 29 with the anticipated inclusion of Rancho Cordova.

On May 21, the West Sacramento City Council became the first city to approve the proposed amendment on a 5-0 vote. The action starts the 120-day clock for the proposal's approval.

The Board decision means each city and county would have at least one vote on the Board, which distributes state and federal transportation funds and coordinates transportation planning for El Dorado, Sacramento, Sutter, Yuba, Yolo, and Placer counties.

For example, the cities of Folsom, Galt, Isleton, Elk Grove and Citrus Heights would each have a seat on the board rather than the three seats they now share. Currently, all the cities in the region other than Sacramento have shared seats.

Included in the change to the SACOG JPA is a change to the existing two-stage un-weighted/weighted voting structure to a single vote with these criteria being met:

- Board members representing a majority of the population must vote "yes"
- A majority of city Board members must vote "yes"
- A majority of county Board members must vote "yes"

Currently, the cities within a county select one or more directors to represent them on the Board, depending on the size of the county's incorporated population. The exception is Sacramento, which because of its size has two directors.

The current practice of appointing non-voting official representatives from cities with no board member would be abolished. Colfax, Lincoln, Live Oak, Marysville and Rocklin have official representatives. Two cities, Loomis and Placerville, are

SACOG launches
Sacramento
Region

Angelides,
Doofittle promote
Blueprint project

Board restructure
in the works

Blueprint: Where
have we been
lately?

SACOG unveils
interactive
mapping site

Sacramento Region - Board Restructure in the works

Page 2 of 2

not members of SACOG. More information on the change is available at www.sacog.org.

COMMENT ON THIS ARTICLE ►

***** PLEASE ADVISE FRIENDS TO JOIN THE LISTEN TO YOUR SUBSCRIPTION *****



BOARD OF DIRECTORS
JUNE 27, 2003

AGENDA ITEM NO. 03-06- 10
ACTION REQUESTED - INFORMATION

FY 2004 WEIGHTED VOTING FORMULA

Section 5 of the Bylaws for the San Diego Association of Governments, pursuant to Public Utilities Code Section 132351.2, requires that the weighted vote be recomputed on July 1 of each year. The Bylaws further specifies that the population figures to be used in this recalculation shall consist of those determined

for each member agency as certified by the State Department of Finance.

The weighted vote has been recomputed in compliance with the Bylaws. The State Department of Finance certified population estimates for January 1, 2003 have been used as the basis for this computation. As shown in the following table, there is no change in the weighted vote by jurisdiction for FY 2004.

SANDAG Member Agency	Certified Population Jan. 1, 2003	Percent of Subtotal	Fractional Share of 60 Votes	Fractions Less Than "1"	FY 2004 Adjusted Weighted Vote	FY 2003 Weighted Vote	Vote Change
County of San Diego	458,504	27.19%	16.312	16	16	16	0
Chula Vista	199,680	11.84%	7.104	7	7	7	0
Oceanside	189,805	10.07%	6.041	6	6	6	0
Escondido	128,015	8.18%	4.910	4	5	5	0
El Cajon	95,664	5.73%	3.439	3	3	3	0
Vista	92,768	5.50%	3.300	3	3	3	0
Carlsbad	90,271	5.35%	3.212	3	3	3	0
Encinitas	61,153	3.63%	2.176	2	2	2	0
San Marcos	63,528	3.77%	2.260	2	2	2	0
National City	59,774	3.54%	2.127	2	2	2	0
La Mesa	55,688	3.30%	1.981	1	2	2	0
Santee	53,609	3.18%	1.907	1	2	2	0
Poway	49,833	2.95%	1.773	1	2	2	0
Imperial Beach	27,818	1.64%	0.983	1	1	1	0
Lemon Grove	25,374	1.50%	0.903	1	1	1	0
Coronado	26,353	1.56%	0.888	1	1	1	0
Solana Beach	13,329	0.79%	0.474	1	1	1	0
Del Mar	4,503	0.27%	0.160	1	1	1	0
Subtotal	1,696,467	100.00%	60.000	56	60	60	
San Diego	1,275,112				40	40	
Total Region	2,961,579				100	100	

* Agencies gaining full vote by boosting fractions that are less than one.
** Agencies gaining full vote based upon highest fraction.

Gary L. Gallegos
GARY L. GALLEGOS
Executive Director

Key Staff Contact: Leslie Campbell, (619) 595-5340; lca@sandag.org

California Regional Transportation Planning Agency Survey

Agency Name	Members	Representation	Weighted	Representation	Population
Amador County Transportation Commission	6	3 county, 3 city*	Yes	Yes	No
El Dorado County Transportation Commission	6	3 county, 3 Placerville	Yes	Yes	No
Madera County Transportation Commission	6	3 county, 2 Madera, 1 Chowchilla	Yes	Yes	No
Metropolitan Transportation Authority, Los Angeles	13	5 county, 4 Los Angeles, 4 from cities**	Yes	Yes	No
Metropolitan Transportation Commission	16	Varies by county population	Yes	Yes	No
Placer County Transportation Planning Agency	9	2 county, 6 cities, 1 citizen	Yes	Yes	No
Riverside County Transportation Commission	29	5 county, 1 each 24 cities	Yes	Yes***	No
Santa Cruz County Regional Transportation Comm	12	5 county, 4 city, 3 transit district	Yes	Yes	No
Shasta County RTPA	7	3 county, 3 city, 1 transit	Yes	Yes	No
Transportation Agency for Monterey County	17	5 county, 1 each 12 cities	Yes	No	Yes
Ventura County Transportation Commission	7	3 county, 4 cities	Yes	Yes	No

*Amador County Transportation Commission:
2 county supervisors, and 1 appointed by BOS

**Metropolitan Transportation Agency, Los Angeles:
Los Angeles Mayor, and 3 appointed by mayor
4 city representatives represent 87 smaller cities

Riverside County Transportation Commission:
For a motion to pass, it requires a majority of county representatives, and city representatives, representing a majority of the population.

Program Category Funding Comparison for TAG and CAG

Current MK Program	Program Category	Original Renewal MK Program Proposal	Renewal MK Program Proposal Presently Under Consideration
25%	Congestion Relief	40%	32.5%
32.5%	Transit	25%	27.5%
7.5%	Railroad Crossing Safety	5%	5%
35%	Local Street Repair	25%	30%
N/A	Roadway Safety	5%	5%





SAN JOAQUIN COUNCIL OF GOVERNMENTS

6 South El Dorado St., Suite 400 • Stockton, California 95202

209.468.3913 • 209.468.1084 (fax)

www.sjcog.org

JUL 16 2001

Dan Bilbrey
CHAIRMAN

Mike Restuccia
VICE CHAIRMAN

Julia E. Greene
EXECUTIVE DIRECTOR

MEMORANDUM

DATE: July 13, 2001

TO: Robert Adams, City of Manteca
David Baker, San Joaquin County
Pam Carder, City of Lathrop
Thom Clark, City of Escalon
Leon Compton, City of Ripon
Fred Diaz, City of Tracy
Dixon Flynn, City of Lodi
Mark Lewis, City of Stockton

FROM: Cheryl Creighton

RE: Joint Powers Agreement

Attached is the San Joaquin Council of Governments (SJCOG) Joint Powers Agreement with original signature pages attached.

If you have any questions, please call either Steve Dial or myself.

Member Agencies
CITIES OF
ESCALON,
LATHROP,
LODI,
MANTECA,
RIPON,
STOCKTON,
TRACY,
AND
THE COUNTY OF
SAN JOAQUIN

**JOINT POWERS AGREEMENT
ESTABLISHING THE SAN JOAQUIN COUNCIL
OF GOVERNMENTS**

THIS AGREEMENT is entered into as of the 7th of December, 2000 by and among the incorporated cities of Escalon, Manteca, Lathrop, Lodi, Ripon, Stockton, and Tracy, all municipal corporations and the County of San Joaquin, a political subdivision of the State of California.

WITNESSETH:

WHEREAS, Chapter 5 of Division 7 of Title 1 (commencing with Section 6500) of the California Government Code authorizes two (2) or more public agencies to jointly exercise any power common to them; and

WHEREAS, the City of Stockton, by virtue of its charter and the cities of Escalon, Lathrop, Lodi, Manteca, Ripon, Tracy, and the County of San Joaquin, by virtue of California Government Code Section 65600 through 65604, inclusive, possess in common the authority:

a) To study, discuss, and develop solutions to area-wide problems of direct concern to the performance of their constitutional and statutory functions and to establish an area planning organization and expend public funds for these purposes;

b) To do all acts necessary to participate in federal programs and receive federal funds for health, education, welfare, public works, and community improvement activities, including contracting and cooperating with other agencies; and

WHEREAS, the people residing within the incorporated and unincorporated areas of San Joaquin County have an interest in the orderly development of their communities; and

WHEREAS, the continued growth and extensive development within the incorporated and unincorporated areas of San Joaquin County evidenced a need to create a wholly independent regional agency capable of dealing with area-wide issues and problems; and

WHEREAS, this need led to the creation and establishment of the SAN JOAQUIN COUNCIL OF GOVERNMENTS on July 1, 1970; and

WHEREAS, the establishment of SAN JOAQUIN COG (hereinafter referred to as "COG") has:

a) Provided a forum to study and develop solutions to area-wide problems of mutual concern to the various governmental entities in San Joaquin County;

b) Provided efficiency and economy in governmental operations through the cooperation of member governments and the pooling of common resources;

c) Provided for the establishment of an agency responsible for identifying, planning, and developing solutions to regional problems requiring multijurisdictional cooperation;

d) Provided for the establishment of an agency capable of developing regional plans and policies and performing area-wide planning duties;

e) Facilitated cooperation among and agreement between local governmental bodies for specific purposes, interrelated developmental actions, and for the adoption of common policies with respect to issues and problems which are common to its members; and

WHEREAS, the cities of Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton, and Tracy and the of San Joaquin, at this time, desire to amend that certain joint powers agreement of March 1, 1991, as subsequently amended, and enter into this Amended Agreement in order to establish the duties and powers of the SAN JOAQUIN COUNCIL OF GOVERNMENTS;

WHEREAS, the County of San Joaquin designated the SAN JOAQUIN COUNCIL OF GOVERNMENTS as the San Joaquin County Transportation Authority;

NOW, THEREFORE, it is mutually agreed as follows:

1. STATEMENT OF PURPOSE

The member cities and the County have joined together to establish the Council for the following reasons:

a) A number of opportunities and issues within the area are either area-wide in nature or have area-wide aspects or implications, including, but not limited to, transportation, air quality, land use, economic development, job creation, the reduction of unemployment, the protection of agricultural productivity, and multi-species habitat management issues.

b) There is a demonstrated need for the establishment of an organization of cities and the County within the area to provide a forum for study and development of recommendations to area-wide problems of mutual interest and concern to the cities and the County and to facilitate the development of policies and action recommendations for the solution of such problems.

c) The member cities and the County wish to create an area-wide organization which will independently review and make comments to the member cities and the County regarding projects which receive federal or state funding.

d) The member cities and the County believe that an area-wide planning organization, governed solely by elected officials from the member cities and the County, with a staff independent of any member city or the County, is best suited for this area-wide planning and review.

e) Member cities and the County, working together through this organization, can exercise initiative, leadership, and responsibility for solving area-wide problems.

f) Member cities and the County share common area-wide problems and issues, and at the same time, have different needs and priorities and are affected in different ways by these common area-wide problems and issues. The resources of the Council should be allocated in such a manner so that the needs of any portion of the area are not ignored, recognizing, however, that resources are limited and that not all needs can be met, nor all portions of the area assisted equally at any one time.

2. ESTABLISHMENT OF SAN JOAQUIN COG

Upon the effective date of this Agreement, the parties hereto hereby establish a newly constituted SAN JOAQUIN COUNCIL OF GOVERNMENTS, as a public entity separate and distinct from its member entities, as the agent to exercise the common powers provided for in this Agreement and to administer or otherwise execute this Agreement.

The newly constituted SAN JOAQUIN COG, as successor entity to the Council Of Governments established in 1970, insofar as its predecessor entity has been designated, and insofar as legally authorized, shall continue to function as:

a) The Area-wide Planning Organization (APO) as designated by the U.S. Department of Housing and Urban Development (HUD);

b) The Metropolitan Planning Organization (MPO) as designated by the U.S. Department of Transportation; pursuant to Title 23 of United States Code, Section 134 (23 USC 134) and Title 49 of United States Code, Section 1607 (49 USC 1607);

c) The Regional Transportation Planning Agency (RTPA) as designated by the Secretary of Business and Transportation Agency of the State of California; pursuant to California Government Code Sections 65080, et seq.;

d) The Airport Land Use Commission (ALUC) as designated by the Board of Supervisors of the County of San Joaquin and recognized by the State of California; pursuant to Chapter 4, Article 3.5 of the California Public Utilities Code;

e) The regional planning representative, as designated by the parties hereto, for the purpose of acting upon any appropriate proposals which may be presented to the SAN JOAQUIN COG Board of Directors for consideration, or which the Board of Directors may elect to take up, and for transmission of proposed recommendations to Federal, State and local agencies, including, but not limited to the member entities of SAN JOAQUIN COG.

f) The San Joaquin County Transportation Authority as designated by the Board of the Board of Supervisors of San Joaquin County under Section 180000 of the California Public Utilities Code;

- g) The Census Data Center as designated by the Bureau of the Census;
- h) The Congestion Management Agency for San Joaquin County pursuant to California Government Code Sections 65088 and 65089 and Title 23 of the United States Code Section 134;
- i) The Federal Clearinghouse to review federal grant applications pursuant to Presidential Executive Order 12372.

3. COOPERATION

The parties to this Agreement pledge full cooperation and agree to assign representatives to serve as official members of SAN JOAQUIN COG or any committee or subcommittee thereof, which members shall act for and on behalf of their cities or the County in any and all matters which shall come before the SAN JOAQUIN COG, subject to any necessary and legal approvals of their acts by the legislative bodies of the cities and the County.

4. MEMBERSHIP

SAN JOAQUIN COG shall be governed by a Board of Directors, hereinafter referred to as the COG Board, which shall be comprised of:

- a) One (1) member from each of the city councils of Escalon, Lathrop, Lodi, Manteca, Ripon, and Tracy (with the Mayor an eligible member),
- b) Two (2) members from the Stockton City Council (with the Mayor an eligible member);
- c) Two (2) members of the Board of Supervisors of the County of San Joaquin;
and
- d) Ex-officio non-voting members acting in an advisory capacity shall be:
 - 1) The District Director from the State Department of Transportation, District X;
 - 2) A member of the San Joaquin Regional Transit District Board of Directors; and
 - 3) A member of the Stockton Port District Board of Commissioners.

Members shall be appointed by the governing body of each party and shall serve at the pleasure of their appointing body or until their respective successors are appointed. Termination of a member's mayor, councilperson, or supervisor status shall constitute automatic termination of that person's membership on the COG Board. The appointing body of a party may appoint a

new member or alternative immediately upon the occurring of any vacancy in that party's representation.

The governing body of each party shall appoint alternate members to the COG Board. During the absence of a regular member from any meeting of the COG Board, the alternate shall be entitled to participate in all respects as a regular member of the COG Board. All members and alternates shall be duly elected representatives of their respective city councils or Board of Supervisors.

A quorum for conducting all matters of business shall be six (6) members. The affirmative vote of a least a majority of the quorum present shall be required for the approval of any matter.

The COG Board shall adopt rules of procedure and shall establish a time and place for regular SAN JOAQUIN COG meetings. At any meeting the COG Board may consider such matters as it deems proper for carrying out the purposes of this Agreement, subject to the provisions of California Government Code Section 54950 et seq.

An executive committee shall be constituted from among the representatives of the members of the COG. The Executive Committee shall consist of five (5) members of the COG Board elected by the COG Board. One (1) member of the COG Board shall be elected by the COG Board to serve as the alternate member of the Executive Committee. During the absence of a regular member from any meeting of the Executive Committee, the alternate shall be entitled to participate in all respects as a regular member of the Executive Committee. The Chairperson of COG shall be the Chairperson of the Executive Committee and shall serve on it as the representative of his/her jurisdiction. The Executive Committee shall have such powers as are not inconsistent with this Agreement and as delegated to it by the SAN JOAQUIN COG By-laws or the COG Board.

The By-laws of the SAN JOAQUIN COG shall be those adopted following the adoption of this Amended Agreement by the COG Board, and may be amended from time to time by the COG Board.

5. POWERS AND FUNCTIONS

SAN JOAQUIN COG shall have the common power of the parties hereto to establish administer and operate area-wide programs, and in the exercise of that power, SAN JOAQUIN COG is authorized in its own name to:

- a) Employ an executive director as the chief administrative officer of the agency;
- b) Employ agencies and employees and contract for professional services;
- c) Make and enter into contracts;
- d) Operate transportation and other services and facilities;

e) Undertake the planning, design and environmental clearance of transportation and other projects;

f) Cooperate with other agencies, counties and other local public agencies and participate in joint projects as necessary;

g) Acquire, hold, and convey real and personal property;

h) Incur debts, obligations, and liabilities;

i) Accept contributions, grants, or loans from any public or private agency or individual, or the United States or any department, instrumentality, or agency thereof, for the purpose of financing its activities;

j) Invest money that is not needed for immediate necessities, as the Council determines advisable, in the same manner and upon the same conditions as other local entities in accordance with Section 53601 of the California Government Code;

k) Have appointed members and ex-officio members serve with or without compensation from the SAN JOAQUIN COG;

l) Sue and be sued, in its own name only, but not in the name or stead of any member entity;

m) Make loans to members for projects approved by the COG Board on terms, and interest rates, and with such security, as may be established by the COG Board;

n) To operate, either directly by SAN JOAQUIN COG employees, or by independent contractors, programs approved by the COG Board, such as, but not limited to, ridesharing programs, freeway service patrol programs, and habitat conservation programs, including the maintenance and operation of habitat conservation lands;

o) To provide services, including operational services, outside San Joaquin, if fully compensated for such services, or in cooperative projects involving other public agencies; and

p) To do all other acts reasonable and necessary to carry out the purpose of this Agreement.

The powers to be exercised by the SAN JOAQUIN COG are subject to the restrictions upon the manner of exercising such powers as are imposed upon the County of San Joaquin in the exercise of similar powers. SAN JOAQUIN COG shall be held strictly accountable for all funds received, held and disbursed by it.

6. EXECUTIVE DIRECTOR

The executive director shall be selected by, and shall serve at the pleasure of and upon the terms prescribed by the COG Board. The powers and duties of the executive director are:

a) To serve as the chief administrative officer of SAN JOAQUIN COG and to be responsible to the COG Board for the proper administration of all SAN JOAQUIN COG affairs.

b) To appoint, supervise, suspend, discipline or remove SAN JOAQUIN COG employees subject to those policies and procedures, from time to time, adopted by the COG Board.

c) To supervise and direct the preparation of the annual budget for the COG and be responsible for its administration after adoption by the COG Board.

d) To formulate and present to the COG Board plans for SAN JOAQUIN COG's activities and the means to finance them.

e) To supervise the planning and implementation of all SAN JOAQUIN COG's activities.

f) To attend all meetings of the COG Board and act as the secretary to the COG Board.

g) To prepare and submit to the COG Board periodic financial reports and, as soon as practicable after the end of each fiscal year, an annual report of the activities of the SAN JOAQUIN COG for the preceding year.

h) To have custody and charge of all SAN JOAQUIN COG property other than money and securities.

i) To perform such other duties as the COG Board may require in carrying out the policies and directives of the COG Board.

7. FINANCING

a) Fiscal Year: The SAN JOAQUIN COG fiscal year shall be July 1 through June 30.

b) Annual Financial Support: On or before April 1st, the SAN JOAQUIN COG shall adopt a budget for the ensuing fiscal year to commence on July 1, and shall submit the same for ratification to the governing body of each member agency. Upon ratification of the proposed budget by a majority of the legislative bodies of the member governments, and representing at least 55% of the population within the county, such budget shall serve as the approved budget for the fiscal year in carrying out the tasks within the approved work program for the year. Any amendments to the budget shall be approved by the SAN JOAQUIN COG.

Any party to this Agreement, in the exercise of the reasonable discretion of its governing body, may, upon mutual consent of the parties, provide support for the SAN JOAQUIN COG, its staff, and its professional consultants, including providing such quarters, janitorial services and maintenance, supplies, printing and duplication, postage, telephone services, transportation services, and such professional and technical assistance as may be necessary to enable SAN JOAQUIN COG to perform its responsibilities. All such assistance shall be provided on an at-cost basis.

Under no circumstances shall the SAN JOAQUIN COG be empowered to exercise the right of eminent domain nor to levy taxes except as provided in Section 7. c) below. SAN JOAQUIN COG shall apply for available State or Federal support funds, and shall make new and additional applications from time to time as appropriate. If deemed necessary, the COG Board may also establish and collect filing and processing fees in connection with matters to be considered by it.

c) In its role as the San Joaquin County Transportation Authority, the SAN JOAQUIN COG shall be empowered to levy and expend tax revenues authorized in San Joaquin County Transportation Authority Ordinance 91-01 and approved as Measure K on November 6, 1990 by the voters of San Joaquin County. This empowerment shall exist so long as San Joaquin County Transportation Authority Ordinance #91-01 is in effect and shall terminate when all San Joaquin County Transportation Authority Ordinance #91-01 taxes have been levied and expended.

8. TREASURER

a) The Treasurer of the County of San Joaquin shall be the treasurer of SAN JOAQUIN COG.

b) The Treasurer shall:

- 1) Receive and receipt all money of SAN JOAQUIN COG and place it in the treasury of San Joaquin County to the credit of SAN JOAQUIN COG.
- 2) Be responsible upon his official bond for the safekeeping and disbursement of all SAN JOAQUIN COG money held by him/her.
- 3) Pay any sums due from SAN JOAQUIN COG, from SAN JOAQUIN COG's funds held by him/her or any portion thereof, upon warrants of the SAN JOAQUIN COG controller designated herein.
- 4) Verify and report in writing as soon as possible after the first day of July, October, January, and April of each year to SAN JOAQUIN COG the amounts of monies he/she holds for SAN JOAQUIN COG, the amount of receipts since his/her last report, and any interest accrued to those funds.

- 5) SAN JOAQUIN COG shall reimburse the County of San Joaquin for the cost of services provided by the County Treasurer to SAN JOAQUIN COG upon an at-cost basis.

9. CONTROLLER

a) The Auditor-Controller of the County of San Joaquin shall be the controller for the SAN JOAQUIN COG.

b) The Controller shall draw warrants to pay demands against SAN JOAQUIN COG when the demands have been approved by the COG Board and/or the COG Executive Director. He/She shall be responsible on his/her official bond for his/her approval of disbursement of SAN JOAQUIN COG money.

c) The Controller shall keep and maintain records and books of account on the basis of generally accepted accounting practices. The books of account shall include records of assets, liabilities, and contributions made by each party to this Agreement.

d) The Controller shall make available all such financial records of SAN JOAQUIN COG to a certified public accountant or public accountant contracted by SAN JOAQUIN COG to make an annual audit of the accounts and records of SAN JOAQUIN COG. The minimum requirements of the audit shall be those prescribed by the State Controller for special districts under Section 26909 of the Government Code and shall conform to generally-accepted auditing standards.

e) SAN JOAQUIN COG shall reimburse the County for the cost of services provided by the County Auditor-Controller to SAN JOAQUIN COG upon an at-cost basis.

10. BOND REQUIREMENTS

The executive director and such other employees of SAN JOAQUIN COG as may be designated by the COG Board, shall file with SAN JOAQUIN COG an official fidelity bond in a penal sum determined by the Council as security for the safekeeping of SAN JOAQUIN COG property entrusted to such employee. Premiums for such bonds shall be paid by SAN JOAQUIN COG.

11. PARTIES' LIABILITY

The debts, liabilities, and obligations of SAN JOAQUIN COG shall not be debts, liabilities or obligations of the parties to this Agreement either singly or collectively.

12. ASSIGNABILITY

With the approval of, and upon the terms agreed upon by, governing body of each party to this Agreement, all or any of the rights and property subject to this Agreement may be assigned to further the purpose of this Agreement. Provided, however, no right or property of SAN

JOAQUIN COG shall be assigned without compliance with all conditions imposed by any state or federal entity from whom SAN JOAQUIN COG has received financial assistance.

13. WITHDRAWAL OF A PARTY

A party to this Agreement may, at any time, withdraw from SAN JOAQUIN COG, following 90 days notice to SAN JOAQUIN - COG and all other members of SAN JOAQUIN COG, by resolution of intent to withdraw adopted by the governing board of the withdrawing party.

Upon the effective date of such withdrawal such member shall cease to be bound by this Agreement, but shall continue to provide financial support through the approved percentage of planning funds provided COG, as Transportation Planning Agency under the provisions of Section 99233.2 of the Transportation Development Act. SAN JOAQUIN COG assets representing any accumulated capital contribution of the withdrawing party shall remain subject to SAN JOAQUIN COG control, depreciation and use without compensation to the withdrawing party until termination of this Agreement and distribution of SAN JOAQUIN COG assets.

14. TERMINATION AND DISSOLUTION

a) This Agreement shall continue in force without specific term.

b) If, at any time, those cities and county which are members of SAN JOAQUIN COG contain less than 55% of the population residing within the area of San Joaquin County, based upon the latest available population estimates by the California Department of Finance, and there are less than a majority of local governments remaining as members of SAN JOAQUIN COG, SAN JOAQUIN COG shall be deemed disestablished and this Agreement shall cease to be operative except for the purpose of payment of any obligations theretofore incurred.

c) If this Agreement is terminated, all real and personal property owned by SAN JOAQUIN COG shall be distributed to the Federal, State, or local funding agency or party to this Agreement that supplied the property or whose funding provided for the acquisition of the property unless other distribution is provided by law. Should the origin of any real or personal property be undeterminable, that property shall be disbursed to the parties to this Agreement in proportion to the size of the jurisdiction as delineated in the latest California Department of Finance estimate of population.

This Agreement shall not terminate until all property has been distributed in accordance with this provision.

15. RETURN OF SURPLUS FUNDS

Upon termination of this Agreement, any surplus money on hand shall be returned to the Federal, State, or local agency or the party to this Agreement that provided the funds.

16. ADDITIONAL MEMBERS

In addition to the incorporated cities identified in this Agreement, any city within San Joaquin County which may hereafter be incorporated and which desires to participate in the activities of SAN JOAQUIN COG may do so by executing this Agreement without the prior approval or ratification of the named parties to this Agreement and shall thereafter be a party to this Agreement and be bound by all terms and conditions of this Agreement as of the date it executes this Agreement.

17. SUCCESSORS

This Agreement shall be binding upon and shall inure to the benefit of any successors to or assigns of the parties.

18. SEVERABILITY

Should any part, term, portion, or provision of this Agreement be finally decided to be in conflict with any law of United States or the State of California, or otherwise be unenforceable or ineffectual, the validity of the remaining parts, terms, portions, or provisions shall be deemed severable and shall not be affected thereby, provided such remaining portions or provisions can be construed in substance to constitute the Agreement which the parties intended to enter into in the first instance.

19. AMENDMENTS

This Agreement may be amended only after members who represent both a majority of the members and at least 55% of the population of San Joaquin County, based upon the latest population estimates of the California Department of Finance, approve the amendments.

20. COUNTERPARTS

This Agreement may be executed in any number of counterparts, each of which when executed will be deemed to be an original and all of which, taken together, will be deemed to be one and the same instrument.

21. EFFECTIVE DATE OF AGREEMENT

This Agreement shall become effective when the majority of the cities and County representing more than 55% of the population of the, based upon the latest population estimates of the California Department of Finance, sign this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their respective offices as of:

APPROVED AS TO FORM:

By: Jerry Reed

Title: City Attorney

ATTEST: Lisa Nebe
City Clerk

Ray F. L.

MAYOR

CITY OF ESCALON

APPROVED AS TO FORM:

By: Quentin Cookman

Title: City Attorney

ATTEST: Nancy Ruston
City Clerk

St. P. M. L.

MAYOR

CITY OF LATHROP

APPROVED AS TO FORM:

By: Randall A. Hays
RANDALL A. HAYS

Title: CITY ATTORNEY

ATTEST: Susan J. Blackston
SUSAN J. BLACKSTON, CITY CLERK

Alan S. Nakanishi
ALAN S. NAKANISHI

MAYOR

CITY OF LODI

APPROVED AS TO FORM:

By: Ronald K. Leppel

Title: Asst City Attorney

ATTEST: Joanna L. C. M.
City Clerk

Chris

MAYOR

CITY OF MANTECA

APPROVED AS TO FORM:

By: _____

Title: _____

ATTEST: _____

City Clerk

Don Meyer

MAYOR

CITY OF RIPON

APPROVED AS TO FORM:

By: _____

MICHAEL T. RISHWAIN
Title: DEPUTY CITY ATTORNEY

ATTEST: _____

City Clerk

Gary A. Podesto

MAYOR

CITY OF STOCKTON

APPROVED AS TO FORM:

By: _____

Title: City Attorney

ATTEST: _____

City Clerk

Don Bilbray

MAYOR

CITY OF TRACY

APPROVED AS TO FORM:

By: _____

Title: Ass't County Counsel

ATTEST: _____

City Clerk

Dario L. Marenco

CHAIRMAN

SAN JOAQUIN COUNTY

Amended March 1, 1991.

Amended December 7, 2000